

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054
(WMW/DTS)

Plaintiff,

v.

**DECLARATION OF
DAVID GIBBS**

FEDERAL INSURANCE COMPANY,
an Indiana corporation, and ACE
AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

Defendants.

I, David Gibbs, declare as follows:

1. I was an employee of Chubb Insurance Company of Europe SE (“Chubb Europe”) from September 1996 to September 2018. During that time, my positions were in the Information Technology Department. From March 2005 to September 2018 I was the Commercial Lines IT Manager at Chubb Europe.

2. In my role at Chubb Europe, I worked with FICO’s Blaze Advisor (“Blaze”) software. When we started exploring Blaze as a rules engine, I reached out to my colleague in the United States, Patrick Sullivan, who was the main strategic architect, regarding which rules engine to use, and learned that Blaze was being used by Chubb in the United States. Mr. Sullivan explained to me that although his team in the United States had evaluated Blaze, they didn’t have enough experience at that time to help us (Chubb Europe) get Blaze up-and-running. Nevertheless, given my experience, I thought it would be a hard

business case to use a rules engine other than Blaze, so we decided to move forward with discussions with FICO about installing and using Blaze in Europe.

3. My colleague, Ewen Setti, was the main developer who worked on this project at Chubb Europe. Mr. Setti directly communicated with FICO and set up a series of workshops with FICO regarding Blaze. During these workshops, it was understood that Chubb Europe had a global license to install and use Blaze, and FICO did not suggest otherwise, nor did FICO attempt to charge us additional license fees to install or use Blaze in Europe.

4. It is my recollection that Chubb Europe received the Blaze installation files directly from FICO in Europe. In fact, Chubb Europe was in the same building as FICO, so whenever we needed help with Blaze, we went directly to FICO. I recall that FICO not only provided Chubb Europe with Blaze, but also helped us install it.

5. FICO assisted Chubb Europe during the testing phase in the development environment and FICO knew that Blaze would be moving to the production environment in Europe.

6. There was no discussion or negotiation with FICO regarding the scope of the Blaze license or payment for the license because it was understood by Chubb Europe and FICO that the license to install and use Blaze was global.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 25th, 2019


